

1 BILL NO. R-83-08-52

2 RESOLUTION NO. R-69-83

3 RESOLUTION of the Fort Wayne City
4 Council relating to the Application
5 to be designated an Urban Enter-
6 prise Zone.


7 WHEREAS, the City of Fort Wayne has in recent history
8 developed innovative programs aimed at revitalizing the Urban
9 Core; and

10 WHEREAS, there exists a desire to participate in inno-
11 vative programs aimed at revitalizing the Urban Core; and

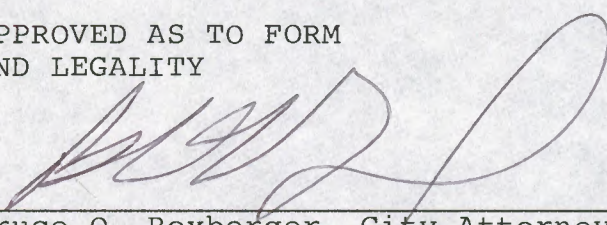
12 WHEREAS, the State of Indiana has developed legislation
13 which creates an Urban Enterprise Zone in six (6) Indiana cities
14 whose purpose is to help stem urban decline without negatively
15 affecting the health, safety, civil rights, or employment rights
16 (including the right to collective bargaining and minimum wage
17 laws).

18 NOW, THEREFORE, BE IT RESOLVED that the Fort Wayne City
19 Council does hereby endorse, adopt, and approve the proposal to
20 prepare an application to be designated an Urban Enterprise Zone.

21 SECTION 1. That this Resolution shall be in full force
22 and effect from and after its passage and any and all necessary
23 approval by the Mayor.

24 
25 Councilmember

26 APPROVED AS TO FORM
27 AND LEGALITY

28 
29 Bruce O. Boxberger, City Attorney
30
31
32

Read the first time in full and on motion by Stier,
seconded by Salvino, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____,
19____, at _____ o'clock _____ M., E.S.T.

DATE: 8-23-83

Sandra E. Kennedy
CITY CLERK

Read the third time in full and on motion by Stier,
seconded by Dir. Quinter, and duly adopted, placed on its
passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCRUGGS</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 9-13-83

Sandra E. Kennedy
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)
(~~APPROPRIATION~~) ~~ORDINANCE~~ (RESOLUTION) NO. 5-69-83
on the 13th day of Sept., 19 83.

ATTEST:

(SEAL)

Sandra E. Kennedy
CITY CLERK

Ray A. E. E. E.
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 14th day of Sept., 19 83, at the hour of
11:30 o'clock 7 M., E.S.T.

Sandra E. Kennedy
CITY CLERK

Approved and signed by me this 23rd day of Sept.
19 83, at the hour of 2 o'clock P M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR. - MAYOR

BILL NO. R-83-08-52

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
~~XXXXXXXXXX~~ RESOLUTION of the Fort Wayne City Council relating to
the Application to be designated an Urban Enterprise Zone

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JAMES S. STIER, CHAIRMAN

JANET G. BRADBURY, VICE CHAIRMAN

VICTURE L. SCRUGGS

MARK E. GIAQUINTA

ROY J. SCHOMBURG

Just this
Janet G. Bradbury
Victure Scruggs
Mark Giaquinta
R. J. Schomburg

Concurred in 9-13 Sandra E. Kennedy

FORT WAYNE ENTERPRISE ZONE
PROPOSAL OUTLINE UPDATE

1. Executive Summary (0% Complete)
2. Introductory Statement (100% Complete)
3. Zone Analysis
 - 3.1 Physical Description (95% Complete)
 - 3.1.1 Boundaries
 - 3.1.2 Area
 - 3.1.3 Land Use
 - 3.1.4 Existing Zoning
 - 3.2 Social Profile (100% Complete)
 - 3.2.1 Population
 - 3.2.2 Race
 - 3.2.3 Poverty
 - 3.2.4 Unemployment
 - 3.2.5 Household Size
 - 3.2.6 Household Income
 - 3.2.7 Female Head of Household
 - 3.2.8 Age
 - 3.2.9 Occupation
 - 3.3 Existing Infrastructure (35% Complete)
 - 3.3.1 Sanitary Sewers
 - 3.3.2 Storm Sewers
 - 3.3.3 Water
 - 3.3.4 Utilities: Gas, Electric
 - 3.3.5 Streets/Alleys
 - 3.4 Public Services (10% Complete)
 - 3.4.1 Police
 - 3.4.2 Fire
 - 3.4.3 EMS
 - 3.4.4 Garbage
 - 3.5 Housing Conditions (100% Complete)
 - 3.5.1 Structural Conditions
 - 3.5.2 Over Crowding
 - 3.5.3 Median Value
 - 3.6 Civic/Social Organizations (0% Complete)
 - 3.6.1 Neighborhood Associations
 - 3.6.2 Civic
 - 3.6.3 Business Organizations
 - 3.7 Needs Assessment (0% Complete)
4. Proposal for Development
 - 4.1 Proposal for Development (0% Complete)
 - 4.2 Streamlining Local Government Regulations (100% Complete)
 - 4.3 Crime Prevention Program (100% Complete)
 - 4.4 Economic Development Program (0% Complete)
 - 4.5 Housing (100% Complete)
 - 4.6 Infrastructure Improvements (0% Complete)

- 5. Managerial Plan (5% Complete)
 - 5.1 Citizen Participation
 - 5.2 Staff Responsibilities
 - 5.3 Marketing of Zone
 - 5.4 Administration of Zone

Note: Because the due date of the application has been moved to October 15, sections listed under item three are due by August 19. Sections listed under items four and five are due by August 26. First draft of the completed application will be available by September 12. Final draft will be completed by September 26.

I. Overview of Legislation

- A. Orr - Mutz major revitalization program
- B. Governor appoints 13 member board to choose 6 zones statewide (no more until 1986)
- C. Economic Incentives
 - 1. Inventory tax credits
 - 2. Employee credits (7,500 max)
 - 3. Employer credits (1,500 max)
 - 4. Qualified increased EZ gross income is exempt from gross income tax
 - 5. Banks and lending institutions receive 5% credit on interest received from loans made within the zone
- D. Area designated is automatically a redevelopment area. (Local option has to be used)
- E. Area is designated for 10 years

II. Criteria for Selection

- A. Poverty level - 25% below median or average rate of unemployment for 18 month period is 1½ times the average statewide unemployment rate
- B. Population greater than 2,000 and less than 8,000
- C. An area of more than ¾ square miles and less than three square miles, with a continuous boundary entirely within the applicant municipality
- D. Property suitable for development of a mix of commercial, industrial, and residential activities
- E. A statement of intent to provide certain specific economic development incentives
- F. Appointment of Urban Enterprise Association

III. Area Selected

- A. Map (including IH)
- B. 3 Council Districts

IV. UEA must be designated prior to application

- A. 11 member board
 - 1. Mayor appoints 5
 - 2. Council appoints 4
 - 3. Governor appoints 2 (non-voting)
- B. Criteria for appointments to UEA
 - 1. Mayor Appointments
 - a. 1 member of the Plan Commission
 - b. 1 member from the Planning or Economic Development Department
 - c. 2 representatives of businesses located in the zone
 - d. 1 resident of the zone

2. Council Appointments

- a. 1 member of Council
- b. 1 representative of a business located in the zone
- c. 2 residents of the zone

3. Governor Appointments

- a. 1 State legislator whose district is in the zone
- b. Representative of State Department of Commerce

4. Duties of UEA

- a. Coordinate zone development activities
- b. Serve as a catalyst for zone development
- c. Promote the zone to outside groups and individuals
- d. Establish a formal line of communication with residents and businesses in the zone
- e. Act as a liaison between residents, businesses, the municipality and the board of any development activity that may affect the zone or zone residents
- f. Recommend to the municipality the manner and purpose of expenditure of zone generated municipal funds
- g. The UEA may ask the legislative body of the municipality to modify or waive any municipal ordinance or regulation that is in effect in the zone. The legislative body may, by ordinance, waive or modify the operation of the ordinance or regulation, if that ordinance or regulation does not affect health (including environmental health), safety, civil rights, or employment rights
- h. The UEA may ask the enterprise zone board to waive or modify any state rule that is in effect. Approval or modification by the board shall take place after review by the appropriate state agency. An approval or modification of a state rule by the board takes effect upon the approval of the governor. Except for IC 22-2-2-1 through 22-2-2-13 and IC 22-7-1-2

ENTERPRISE ZONE STATISTICAL SUMMARY
(from 1980 Census)

Area =	1830 acres
Population =	7986 persons
Poverty Population (family of four income less than \$7356)	2475 persons, or 31% of EZ population
Unemployment = (March, 1983)	3640 persons or 46% of EZ population
Minority Population =	4728 persons or 60% of EZ population

Note: Median income for Fort Wayne area = \$16,038 for family of four in 1980

PRINTING CODE: When a new section, chapter, article, or title is being added to the Indiana Code or the Indiana Constitution, the word NEW will appear in that style type in the introductory clause, and the text of the new provision will appear in roman type. When an existing statute or section of the Indiana Constitution is being amended, the text of the existing provision will appear in roman type, additions will appear in this style type, and deletions will appear in this style type. A SECTION that does not affect the Indiana Code or the Indiana Constitution will appear in roman type.

HOUSE ENROLLED ACT No. 1629

AN ACT to amend the Indiana Code concerning enterprise zones.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-4-6.1 is added to the Indiana Code as a NEW chapter to read as follows:

Chapter 6.1. Enterprise Zones.

Sec. 1. (a) There is created a thirteen (13) member enterprise zone board, referred to as the "board" in this chapter. The board consists of nine (9) voting members and four (4) nonvoting, advisory members. Members serve for four (4) year terms, except that for the initial appointments to the board, six (6) members shall be appointed for two (2) year terms. No more than seven (7) members may be from the same political party. The presence of at least five (5) voting members is required to have a quorum for board meetings.

(b) The governor shall appoint the thirteen (13) enterprise zone board members as follows:

- (1) A representative of business.
- (2) A representative of labor.
- (3) A representative of the administrative building council.
- (4) A representative of minority business.
- (5) A representative of small business.
- (6) A representative of a neighborhood association.
- (7) A representative of municipal government.
- (8) A representative of the state board of health.
- (9) Two (2) state senators.
- (10) Two (2) state representatives.
- (11) The lieutenant governor or his designee.

The four (4) legislative members appointed under subdivisions (9) and (10) are the nonvoting, advisory members of the board.

(c) Members may be dismissed only by the appointing

authority and only for just cause. The governor shall fill any vacancy as it occurs for the remainder of the term.

(d) The governor shall designate a chairman and vice chairman every two (2) years in the month in which the first meeting of the board is held or whenever a vacancy occurs.

(e) The board by rule shall provide for the conduct of its business and the performance of its duties.

(f) The state department of commerce shall serve as the staff of the board.

(g) A nonlegislative member is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b) while performing his duties. Such a member is also entitled to reimbursement for traveling expenses and other expenses, actually incurred in connection with his duties as provided in the state travel policies and procedures, established by the department of administration and approved by the state budget agency.

(h) A legislative member is entitled to reimbursement as provided by law for traveling expenses and other expenses actually incurred in connection with his duties.

Sec. 2. The board has the following powers, in addition to other powers which are contained in this chapter:

(1) To review and approve or reject all applicants for enterprise zone designation, according to the criteria for designation which this chapter provides.

(2) To waive or modify rules as provided in section 8 of this chapter.

(3) To provide a procedure by which enterprise zones may be monitored and evaluated on an annual basis.

(4) To enter into agreements on behalf of the state to provide the incentives contained in this chapter.

Sec. 3. (a) The board may designate up to six (6) enterprise zones, in addition to any enterprise zones which the federal government may designate in the state. After January 1, 1989, the board may by seven (7) affirmative votes increase the number of enterprise zones above six (6), but it may add no more than two (2) new zones each year. There may be no more than one (1) enterprise zone in any municipality.

(b) After approval by resolution of the legislative body, the executive of any municipality that is not an included town under IC 36-3-1-7 may submit one (1) application to the enterprise zone board to have one (1) portion of the municipality designated as an enterprise zone. If an application is denied, the executive may submit a new application. The board by rule shall provide application procedures.

(c) The board shall evaluate an enterprise zone application, if it finds that the following threshold criteria exist in a proposed zone:

- (1) A poverty level in which twenty-five percent (25%) of the households in the zone are below the poverty level as established by the most recent United States census or an average rate of unemployment for the most recent eighteen (18) month period for which data is available that is at least one and one-half (1 1/2) times the average statewide rate of unemployment for the same eighteen (18) month period.
- (2) A resident population of more than two thousand (2,000) but less than eight thousand (8,000).
- (3) An area of more than three-fourths (3/4) square miles but less than three (3) square miles, with a continuous boundary (using natural, street, or highway barriers when possible) entirely within the applicant municipality.
- (4) Property suitable for the development of a mix of commercial, industrial, and residential activities.
- (5) The appointment of an urban enterprise association that meets the requirements of section 4 of this chapter.
- (6) A statement by the applicant indicating its willingness to provide certain specified economic development incentives.

(d) If an applicant has met the threshold criteria of subsection (c), the board shall evaluate the application, arrive at a decision based on the following factors, and either designate a zone or reject the application:

- (1) Level of poverty, unemployment, and general distress of the area in comparison to other applicant and nonapplicant municipalities and the expression of need for an enterprise zone over and above the threshold criteria contained in subsection (c).
- (2) Evidence of support for designation by residents, businesses, and private organizations in the proposed zone, and the demonstration of a willingness among those zone constituents to participate in zone area revitalization.
- (3) Efforts by the applicant municipality to reduce the impediments to development in the zone area where necessary, including but not limited to the following:
 - (A) A procedure for streamlining local government regulations and permit procedures.
 - (B) Crime prevention activities involving zone residents.
 - (C) A plan for infrastructure improvements capable of supporting increased development activity.
- (4) Significant efforts to encourage the reuse of existing

zone structures in new development activities to preserve the existing character of the neighborhood, where appropriate.

(5) The proposed managerial structure of the zone and the capacity of the urban enterprise association to carry out the goals and purposes of this chapter.

(e) An enterprise zone expires ten (10) years from the day on which it is designated by the board. The two (2) year period immediately before the day on which it expires is the phase-out period. During the phase-out period, the Indiana general assembly may review the success of the enterprise zone based upon the goals of this chapter and may renew the zone including all provisions of this chapter for one (1) additional ten (10) year period.

Sec. 4. (a) There is created in each applicant for designation as an enterprise zone and in each enterprise zone an urban enterprise association, referred to as the U.E.A. in this chapter. Its eleven (11) members are to be chosen as follows:

- (1) The governor shall appoint the following:
 - (A) One (1) state legislator whose district includes all or part of the enterprise zone, who is not a voting member of the U.E.A.
 - (B) One (1) representative of the state department of commerce, who is not a voting member of the U.E.A.
- (2) The executive of the municipality in which the zone is located shall appoint the following:
 - (A) One (1) representative of the plan commission having jurisdiction over the zone, if any exists.
 - (B) One (1) representative of the municipality's department that performs planning or economic development functions.
 - (C) Two (2) representatives of businesses located in the zone, one (1) of which shall be from a manufacturing concern, if any exists in the zone.
 - (D) One (1) resident of the zone.
- (3) The legislative body of the municipality in which the zone is located shall appoint, by majority vote, the following:
 - (A) One (1) member of the municipality's legislative body whose district includes all or part of the zone.
 - (B) One (1) representative of a business located in the zone.
 - (C) Two (2) residents of the zone.
- (b) Members of the urban enterprise association serve four (4) year terms. The appointing authority shall fill any vacancy for the balance of the vacated term.

(c) Members may be dismissed only by the appointing authority and only for just cause.

(d) The members shall elect a chairman, a vice chairman, and a secretary by majority vote. This election shall be held every two (2) years in the same month as the first meeting or whenever a vacancy occurs.

(e) If an applicant for designation as an enterprise zone does not receive that designation, the U.E.A. in that municipality is dissolved when the application is rejected.

Sec. 5. (a) An urban enterprise association shall do the following:

(1) Coordinate zone development activities.

(2) Serve as a catalyst for zone development.

(3) Promote the zone to outside groups and individuals.

(4) Establish a formal line of communication with residents and businesses in the zone.

(5) Act as a liaison between residents, businesses, the municipality and the board for any development activity that may affect the zone or zone residents.

(b) An urban enterprise association may initiate and coordinate any community development activities that aid in the employment of zone residents, improve the physical environment, or encourage the turnover or retention of capital in the zone. These additional activities include, but are not limited to recommending to the municipality the manner and purpose of expenditure of zone generated municipal funds.

(c) The U.E.A. may ask the legislative body of the municipality in which the zone is located to modify or waive any municipal ordinance or regulation that is in effect in the zone. The legislative body may, by ordinance, waive or modify the operation of the ordinance or regulation, if that ordinance or regulation does not affect health (including environmental health), safety, civil rights, or employment rights.

(d) The U.E.A. may ask the enterprise zone board to waive or modify any state rule that is in effect in the zone. The board shall review the request and may approve, modify, or reject it. Approval or modification by the board shall take place after review by the appropriate state agency. A modification may include but is not limited to establishing different compliance or reporting requirements, timetables, or exemptions in the zone for a business or individual, to the extent that the modification does not adversely affect health, (including environment health), safety, employment rights, or civil rights. An approval or modification of a state rule by the board takes effect upon the approval of the governor. In no case are the

provisions of IC 22-2-2-1 through IC 22-2-2-13, and IC 22-7-1-2 mitigated by this chapter.

Sec. 6. Any business which substantially reduces its operations or ceases operation in Indiana, as determined by the enterprise zone board, in order to relocate in an Indiana enterprise zone, is not eligible for the provisions of this chapter.

Sec. 7. Whenever federal or state monies are available for job training purposes, considerations shall, to the extent possible, be given to training residents of enterprise zones in industry specific skills relevant to the resident's particular zone.

Sec. 8. The state pledges to and agrees with the direct recipient of any enterprise zone incentive under this chapter that the state will not limit or alter the rights vested in the urban enterprise association to fulfill the terms of any agreements it makes with those recipients or in any way impair the rights and remedies of those recipients until the terms of the incentive are fulfilled. The board is authorized to include this pledge and agreement of the state in any agreement it makes with the recipient.

SECTION 2. IC 4-4-8-1, as added by Acts 1980, P.L. 8, SECTION 6, is amended to read as follows: Sec. 1. As used in this chapter:

"Department" means the Indiana department of commerce.

"Enterprise zone" means an enterprise zone created under IC 4-4-6.1.

"Governing body" means the common council of a city, the city-county council of a consolidated city, the board of trustees of a town, the board of commissioners of a county or of an economic development commission, or any board administering the affairs of a special taxing district.

"Industrial development program" means any program designed to aid the growth of industry in Indiana and includes: the construction of airports, airport facilities, and tourist attractions; the construction, extension, or completion of sewerlines, waterlines, streets, sidewalks; the leasing or purchase of property, both real and personal; and the preparation of surveys, plans, and specifications for the construction of publicly owned and operated facilities, utilities, and services.

"Minority enterprise small business investment company" means an investment company licensed under 15 U.S.C. 681(D).

"Qualified entity" means a city, town, county, economic development commission, or special taxing district.

"Small business investment company" means an investment company licensed under 15 U.S.C. 691 et seq.

"State corporation" means the state corporation as defined by IC 6-3-3.4-2.

SECTION 3. IC 4-4-8-2, as added by Acts 1980, P.L. 8, SECTION 6, is amended to read as follows: Sec. 2. There is created a fund to be known as the "industrial development fund" from which fund loans may be made to qualified entities, small business investment companies, and the state corporation in accordance with this chapter and the rules and regulations adopted under it. The administrative control of the fund and the responsibility for the administration of this chapter are vested jointly in the state board of finance and the department. The department, subject to the approval of the state board of finance, may adopt rules and regulations for the proper administration of the fund and this chapter. The department, subject to the approval of the state budget committee, may employ personnel as necessary for the efficient administration of this chapter.

SECTION 4. IC 4-4-8-3, as added by Acts 1980, P.L. 8, SECTION 6, is amended to read as follows: Sec. 3. (a) There is appropriated to the industrial development fund from the general fund of the state two million dollars (\$2,000,000). This sum does not revert to the general fund but constitutes a revolving fund to be used exclusively for the purpose of this chapter. The department, subject to the approval of the state board of finance, may order the auditor of state to make any approved loan from the revolving fund to any qualified entity, the money so loaned to be used by the qualified entity any small business investment company, minority enterprise small business investment company or the state corporation.

(b) A qualified entity shall use the loan proceeds for the purpose of instituting and administering any approved industrial development program. The combined amount of any such outstanding loans to any one (1) qualified entity, including any special taxing district located within the boundaries of that qualified entity, may not exceed two hundred thousand dollars (\$200,000). A loan granted under this chapter to an economic development commission is not a loan to or an obligation of the qualified entity that formed the commission.

(c) A small business investment company, minority enterprise small business investment company or the

state corporation may use the loan proceeds for any lawful purpose.

SECTION 5. IC 4-4-8-5, as added by Acts 1980, P.L. 8, SECTION 6, is amended to read as follows: Sec. 5. (a) The state board of finance and the department shall authorize the making of a loan to any qualified entity under this chapter only when all of the following conditions exist:

(1) An application for the loan has been submitted by the qualified entity, in a verified petition, to the state board of finance and the department in such manner and form as the state board of finance and the department direct, setting forth therein:

(A) the need for the program and the need for funds for instituting and administering the program;

(B) an engineering estimate of the cost of the proposed program acceptable to the state board of finance and the department;

(C) the amount of money needed; and

(D) such other information as is requested by the state board of finance and the department.

(2) The proposed program has been approved by the state board of finance and the department, which they may do only if they have determined that the program is based upon sound engineering principles and is in the interest of industrial development.

(3) The loan does not exceed one hundred percent (100%) of the cost to the qualified entity of any approved program, the cost of the program to be based upon an estimate made by a competent engineering authority and approved by the department.

(4) The qualified entity has agreed to furnish assurance, satisfactory to the state board of finance and the department, that it will operate and maintain the program, after completion, in a satisfactory manner.

(b) The state board of finance and the department shall authorize the making of a loan to any small business investment company or the state corporation under this chapter only if:

(1) the small business investment company, minority enterprise small business investment company or the state corporation has loaned to or invested in a business located in an enterprise zone for a purpose directly related to the enterprise zone an amount that is at least twice the amount of the requested loan; and

(2) the small business investment company or state corporation has submitted an application, before the

beginning of the phase out period of the enterprise zone, to the state board of finance and the department that shows the amount of the loan requested and any other information that is requested by the state board of finance and the department.

SECTION 6. IC 4-4-8-7, as added by Acts 1980, P.L. 8, SECTION 6, is amended to read as follows: Sec. 7. The state board of finance and the department shall determine and ascribe to any applicant for a loan a priority rating, which rating shall be based primarily on the need of the qualified entity for any such proposed program or on the need of the small business investment company, minority enterprise small business investment company or state corporation for the loan as such need is related to the needs of other applicants for loans. The qualified entities, small business investment companies, minority enterprise small business investment company or state corporation having the highest priority rating shall be given first consideration in making loans under this chapter, which loans shall be made in descending order as shown by the priority ratings.

SECTION 7. IC 4-4-8-10, as added by Acts 1980, P.L. 8, SECTION 6, is amended to read as follows: Sec. 10. (a) If a qualified entity fails to make repayment of monies lent under this chapter or is in any way indebted to the fund for any amounts incurred or accrued, the amount payable may be:

- (1) withheld by the auditor of state from monies payable to the qualified entity and transferred to the fund; or
- (2) recovered in an action by the state on relation of the department, prosecuted by the attorney general, in the circuit or superior court of the county in which the qualified entity is located.

(b) If the state corporation or a small business investment corporation or a minority enterprise small business investment company fails to make repayment of money lent under this chapter or is in any way indebted to the fund for any amounts incurred or accrued, the amount payable may be recovered in an action by the state on relation of the department, prosecuted by the attorney general, in the circuit or superior court of the county in which the state corporation or small business investment corporation or a minority enterprise small business investment company is located.

SECTION 8. IC 6-1.1-20.8 is added to the Indiana Code as a NEW chapter to read as follows:

Chapter 20.8. Enterprise Zone Inventory Credit.

Sec. 1. (a) A person is entitled to a credit against his property tax liability under IC 6-1.1-2 for a particular year in the amount of his property tax liability under IC 6-1.1-2 on enterprise zone inventory for that year.

(b) As used in this section, "enterprise zone inventory" means inventory, as defined in IC 6-1.1-3-11, that is located within an enterprise zone created under IC 4-4-6.1 on the assessment date.

Sec. 2. (a) A person who desires to claim the credit provided by section 1 of this chapter shall file a certified application, on forms prescribed by the state board of tax commissioners, with the auditor of the county where the property for which the credit is claimed was located on the assessment date, and with the state board of tax commissioners. The person shall file the application between February 28 and May 11 of the year before the year for which the person wishes to obtain the credit.

(b) A taxpayer shall include on an application filed under this section all information that the state board of tax commissioners requires to determine eligibility for the credit provided under this chapter.

Sec. 3. The state board of tax commissioners shall determine the eligibility of each applicant under this chapter, and shall notify the applicant and the appropriate county auditor of the determination before August 1 of the year in which the application is made.

SECTION 9. IC 6-2.1-3-32 is added to the Indiana Code as a NEW section to read as follows: Sec. 32. (a) Qualified increased enterprise zone gross income received by a taxpayer is exempt from the gross income tax.

(b) For purposes of this section:

"Base period gross income" means gross income of a taxpayer that would have been gross income derived from sources within an enterprise zone if an enterprise zone had been in existence during the year that ends on the last day of the month that immediately precedes the month in which the enterprise zone is established. If the taxpayer did not engage in an active trade or business during that year in an area that is later designated as an enterprise zone, then the base period gross income equals zero (0). If the taxpayer engaged in an active trade or business during only part of that year in an area that is later designated as an enterprise zone, then the department shall determine the amount of base period gross income.

"Enterprise zone" means an enterprise zone created under IC 4-4-6.1.

"Monthly base period gross income" means base period gross income divided by twelve (12).

"Qualified increased enterprise zone gross income" means the following:

(1) For a taxpayer's taxable year other than his taxable year in which the enterprise zone is established, the amount by which gross income derived from sources within the enterprise zone during the taxable year exceeds the taxpayer's base period gross income.

(2) For the taxpayer's taxable year in which the enterprise zone is established, the amount by which gross income derived by the taxpayer from sources within the enterprise zone during all of the full calendar months in the taxpayer's taxable year that succeed the date on which the enterprise zone was established exceed the taxpayer's monthly base period gross income multiplied by that same number of full calendar months.

(c) For purposes of this section, "gross income derived from sources within an enterprise zone" means:

- (1) gross income from real or tangible personal property located in an enterprise zone;
- (2) income from doing business in an enterprise zone;
- (3) income from a trade or profession conducted in an enterprise zone;
- (4) compensation for labor or services rendered within an enterprise zone; and
- (5) income from stocks, bonds, notes, bank deposits, patents, copyrights, secret processes and formulas, good will, trademarks, trade brands, franchises, and other intangible personal property having a situs in an enterprise zone.

In the case of nonbusiness income described in subsection (i), only so much of the income as is allocated to an enterprise zone under subsections (j) through (m) is deemed to be derived from sources within an enterprise zone. In the case of business income, only so much of the income as is apportioned to an enterprise zone under subsection (d) is deemed to be derived from sources within an enterprise zone.

(d) If the business income derived from sources within an enterprise zone cannot be separated from the business income derived from sources without the enterprise zone, then the business income derived from sources within the enterprise zone is determined by multiplying the business income derived

from sources both within and without the enterprise zone by a fraction. The numerator of the fraction is the property factor plus the payroll factor plus the sales factor. The denominator of the fraction is three (3).

(e) The property factor is a fraction. The numerator of the fraction is the average value of the taxpayer's real and tangible personal property owned or rented and used in an enterprise zone during the taxable year. The denominator of the fraction is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the taxable year. Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight (8) times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The average of property shall be determined by averaging the values at the beginning and ending of the taxable year, but the department may require the averaging of monthly values during the taxable year if reasonably required to reflect properly the average value of the taxpayer's property.

(f) The payroll factor is a fraction, the numerator of which is the total amount paid in an enterprise zone during the taxable year by the taxpayer for compensation, and the denominator of which is the total compensation paid everywhere during the taxable year by the taxpayer. Compensation is paid in an enterprise zone if:

- (1) the individual's service is performed entirely within the enterprise zone;
- (2) the individual's service is performed both within and without the enterprise zone, but the service performed without the enterprise zone is incidental to the individual's service within the enterprise zone; or
- (3) some of the service is performed in the enterprise zone and:

(A) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the enterprise zone; or

(B) there is no base of operations or place from which the service is directed or controlled, but the individual is a resident of the enterprise zone.

(g) The sales factor is a fraction. The numerator of the fraction is the total sales of the taxpayer in an enterprise zone during the taxable year. The denominator of the fraction is the total sales of the taxpayer everywhere during the taxable year. Sales of tangible personal property are in an enterprise zone if:

(1) the property is delivered or shipped to a purchaser, other than the United States government, within the enterprise zone, regardless of the f.o.b. point or other conditions of the sale; or

(2) the property is shipped from an office, store, warehouse, factory, or other place of storage in the enterprise zone and either the purchaser is the United States government or the taxpayer is not taxable in the state of the purchaser.

(h) Sales, other than sales of tangible personal property, are in an enterprise zone if:

(1) the income-producing activity is performed in the enterprise zone; or

(2) the income-producing activity is performed both within and without the enterprise zone and a greater proportion of the income-producing activity is performed within the enterprise zone than without the enterprise zone, based on costs of performance.

(i) Rents and royalties from real or tangible personal property, capital gains, interest, dividends, or patent or copyright royalties, to the extent that they constitute nonbusiness income shall be allocated as provided in subsections (j) through (m).

(j) Net rents and royalties from:

(1) real property located in an enterprise zone are allocable to the enterprise zone; and

(2) tangible personal property are allocated to an enterprise zone to the extent that the property is utilized in the enterprise zone.

The extent of utilization of tangible personal property in an enterprise zone is determined by multiplying the rents and royalties by a fraction. The numerator of the fraction is the number of days of physical location of the property in the enterprise zone during the rental or royalty period in the taxable year. The denominator of the fraction is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the taxpayer, tangible personal property is utilized where the royalty payer obtained possession of the property.

(k) Capital gains and losses from sales of:

(1) real property located in an enterprise zone are allocable to the enterprise zone;

(2) tangible personal property are allocable to an enterprise zone if the property had a situs in the enterprise zone at the time of the sale; and

(3) intangible personal property are allocable to an enterprise zone if the taxpayer's commercial domicile is in the enterprise zone.

(l) Interest and dividends are allocable to an enterprise zone if the taxpayer's commercial domicile is in the enterprise zone.

(m) Patent and copyright royalties are allocable to an enterprise zone to the extent that the patent or copyright is utilized by the taxpayer in the enterprise zone. A patent is utilized in an enterprise zone to the extent that it is employed in production, fabrication, manufacturing, or other processing in the enterprise zone or to the extent that a patented product is produced in the enterprise zone. If the basis of receipts from patent royalties does not permit allocation to enterprise zones or if the accounting procedures do not reflect location of utilization, the patent is utilized at the location of the taxpayer's commercial domicile. A copyright is utilized in an enterprise zone to the extent that printing or other publication originates in the enterprise zone. If the basis of receipts from copyright royalties does not permit allocation to enterprise zones or if the accounting procedures do not reflect location of utilization, the copyright is utilized at the location of the taxpayer's commercial domicile.

(n) If the allocation and apportionment provisions of this section do not fairly represent the taxpayer's income derived from sources within an enterprise zone, the taxpayer may petition for or the department may require, in respect to all or any part of the taxpayer's business activity:

- (1) a separate accounting;
- (2) the exclusion of any one (1) or more of the factors listed in this section;
- (3) the inclusion of one (1) or more additional factors that will fairly represent the taxpayer's income derived from sources within the enterprise zone; or
- (4) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

(o) In the case of two (2) or more organizations, trades, or businesses owned or controlled directly or indirectly by the same interests, the department shall distribute, apportion, or allocate the income derived from sources within an enterprise zone among those organizations, trades, or businesses in order to fairly reflect and report the income derived from sources within the enterprise zone by various taxpayers.

SECTION 10. IC 6-3-2-7 is added to the Indiana Code as a NEW section to read as follows: Sec. 7. (a) A taxpayer is entitled

to a deduction from adjusted gross income derived from sources within an enterprise zone created under IC 4-4-6.1 for a particular taxable year if:

(1) the taxpayer had a net operating loss, as defined in Section 172(c) of the Internal Revenue Code, that was attributable to a trade or business conducted in the enterprise zone in a prior year;

(2) the taxpayer is not entitled to carry over any part of the net operating loss for federal income tax purposes to the particular taxable year because of the time limitation established in Section 172(b) of the Internal Revenue Code; and

(3) the particular taxable year does not succeed the taxable year of the taxpayer in which the enterprise zone phase-out period terminates.

(b) The amount that a taxpayer may deduct under this section equals the amount of the net operating loss carryover that the taxpayer would be entitled to deduct under Section 172(b) of the Internal Revenue Code if there were no time limitation under that Section.

(c) For purposes of subsection (a), sources of adjusted gross income shall be determined with respect to an enterprise zone, to the extent possible, in the same manner that sources of adjusted gross income are determined with respect to the state of Indiana under IC 6-3-2-2.

SECTION 11. IC 6-3-2-8 is added to the Indiana Code as a NEW section to read as follows: Sec. 8. (a) For purposes of this section, "qualified employee" means a qualified employee as defined in IC 6-3-3-10(a).

(b) Except as provided in subsection (c), a qualified employee is entitled to deduction from his adjusted gross income in each taxable year in the amount of the lesser of:

(1) one-half ($1/2$) of his adjusted gross income for the taxable year that he earns as a qualified employee; or

(2) seven thousand five hundred dollars (\$7,500).

(c) No qualified employee is entitled to a deduction under this section for a taxable year that begins after the termination of the enterprise zone in which he resides.

SECTION 12. IC 6-3-3-10 is added to the Indiana Code as a NEW section to read as follows: Sec. 10. (a) As used in this section:

"Base period wages" means wages paid or payable by a taxpayer to its employees during the year that ends on the last day of the month that immediately precedes the month in which an enterprise zone is established, to the extent that the

wages would have been qualified wages if the enterprise zone had been in effect for that year. If the taxpayer did not engage in an active trade or business during that year in the area that is later designated as an enterprise zone, then the base period wages equal zero (0). If the taxpayer engaged in an active trade or business during only part of that year in an area that is later designated as an enterprise zone, then the department shall determine the amount of base period wages.

"Enterprise zone" means an enterprise zone created under IC 4-4-6.1.

"Enterprise zone adjusted gross income" means adjusted gross income of a taxpayer that is derived from sources within an enterprise zone. Sources of adjusted gross income shall be determined with respect to an enterprise zone, to the extent possible, in the same manner that sources of adjusted gross income are determined with respect to the state of Indiana under IC 6-3-2-2.

"Monthly base period wages" means base period wages divided by twelve (12).

"Qualified employee" means an individual who is employed by a taxpayer and who:

- (1) has his principal place of residence in the enterprise zone in which he is employed;
- (2) performs services for the taxpayer, ninety percent (90%) of the which are directly related to the conduct of the taxpayer's trade or business that is located in an enterprise zone; and
- (3) performs at least fifty percent (50%) of his services for the taxpayer during the taxable year in the enterprise zone.

"Qualified increased employment expenditures" means the following:

- (1) For a taxpayer's taxable year other than his taxable year in which the enterprise zone is established, the amount by which qualified wages paid or payable by the taxpayer during the taxable year to qualified employees exceeds the taxpayer's base period wages.
- (2) For the taxpayer's taxable year in which the enterprise zone is established, the amount by which qualified wages paid or payable by the taxpayer during all of the full calendar months in the taxpayer's taxable year that succeed the date on which the enterprise zone was established exceed the taxpayer's monthly base period wages multiplied by that same number of full calendar months.

"Qualified wages" means the wages paid or payable to qualified employees during a taxable year.

(b) A taxpayer is entitled to a credit against the tax imposed under IC 6-3-1 through IC 6-3-7 on his enterprise zone adjusted gross income for a taxable year in the amount of the lesser of:

- (1) the product of ten percent (10%) multiplied by the qualified increased employment expenditures of the taxpayer for the taxable year; or
- (2) one thousand five hundred dollars (\$1,500) multiplied by the number of qualified employees employed by the taxpayer during the taxable year.

(c) The amount of the credit provided by this section that a taxpayer uses during a particular taxable year may not exceed the taxes imposed by IC 6-3-1 through IC 6-3-7 for the taxable year after the application of all credits except the credit provided by this section. If the credit provided by this section exceeds the amount of those taxes for the taxable year it is first claimed, then the excess may be carried back to preceding taxable years or carried over to succeeding taxable years and used as a credit against the tax otherwise due and payable under IC 6-3-1 through IC 6-3-7 during those taxable years. Each time that the credit is carried back to a preceding taxable year or carried over to a succeeding taxable year, the amount of the carryover is reduced by the amount used as a credit for that taxable year. Except as provided in subsection (e), the credit provided by this section may be carried forward and applied in the ten (10) taxable years that succeed the taxable year in which the credit accrues. The credit provided by this section may be carried back and applied in the three (3) taxable years that precede the taxable year in which the credit accrues.

(d) A credit earned by a taxpayer in a particular taxable year shall be applied against the taxpayer's tax liability for that taxable year before any credit carryover or carryback is applied against that liability under subsection (c).

(e) Notwithstanding subsection (c), if a credit under this section results from wages paid in a particular enterprise zone, and if that enterprise zone terminates in a taxable year that succeeds the last taxable year in which a taxpayer is entitled to use the credit carryover that results from those wages under subsection (c), then the taxpayer may use the credit carryover for any taxable year up to and including the taxable year in which the enterprise zone terminates.

(f) A taxpayer is not entitled to a refund of any unused credit.

SECTION 13. IC 6-3-3.1-1, as amended by Acts 1981, P.L. 72, SECTION 6, is amended to read as follows: Sec. 1. For the purposes of this chapter:

(a) "Community services" means any type of counseling and advice, emergency assistance, medical care, recreational facilities, housing facilities, or economic development assistance to individuals, groups, or neighborhood organizations in an economically disadvantaged area.

(b) "Economically disadvantaged area" means an enterprise zone, or any area in Indiana which that is certified as such an economically disadvantaged area by the state department of commerce after consultation with the community services agency. The certification shall be made on the basis of current indices of social and economic conditions, which shall include but not be limited to the median per capita income of the area in relation to the median per capita income of the state or standard metropolitan statistical area in which the area is located.

(c) "Neighborhood organization" means any organization performing community services in an economically disadvantaged area including, but not limited to, not-for-profit development corporations, and holding a ruling:

(1) from the Internal Revenue Service of the United States Department of the Treasury that the organization is exempt from income taxation under the provisions of the Internal Revenue Code; and

(2) from the Indiana department of state revenue that the organization is exempt from income taxation under IC 6-2.1-3-20.

(d) "Neighborhood assistance" means either:

(i)(1) furnishing financial assistance, labor, material, and technical advice to aid in the physical or economic improvement of any part or all of an economically disadvantaged area; or

(ii)(2) furnishing technical advice to promote higher employment in any neighborhood in Indiana.

(e) "Business firm" means any business entity authorized to do business in the state of Indiana and subject to the gross, adjusted gross, or supplemental net income tax.

(f) "Job training" means any type of instruction to an individual who resides in an economically disadvantaged area that enables him to acquire vocational skills so that he can become employable or be able to seek a higher grade of employment.

(g) "Education" means any type of scholastic instruction or scholarship assistance to an individual who resides in an economically disadvantaged area that enables him to prepare himself for better life opportunities.

(h) "Crime prevention" means any activity which aids in the reduction of crime in an economically disadvantaged area.

(i) "Tax credit" means a deduction from any tax otherwise due and payable under IC 6-2.1 or IC 6-3.

(j) "Person" means any individual subject to Indiana gross or adjusted gross income tax.

(k) "State fiscal year" means a twelve (12) month period beginning on July 1 and ending on June 30.

(l) "Enterprise zone" means an enterprise zone created under IC 4-4-6.1.

SECTION 14. IC 6-3-3.1-5, as amended as Acts 1977, P.L. 80, SECTION 5, is amended to read as follows: Sec. 5. Any business firm or person which desires to claim a tax credit as provided in this chapter shall file with the department of revenue, in the form that the department may prescribe, an application stating the amount of the contribution or investment which it proposes to make which would qualify for a tax credit, and the amount sought to be claimed as a credit. The application shall include a certificate evidencing approval of the contribution or program by the director of the department of commerce. The director of the department of commerce shall give priority in issuing certificates to applicants whose contributions or programs directly benefit enterprise zones. The department of revenue shall promptly notify the applicant whether, or the extent to which, the tax credit is allowable in the state fiscal year in which the application is filed, as provided in section 6 of this chapter. If the credit is allowable in such year, the applicant shall within thirty (30) days after receipt of notice thereof file with the department of revenue a statement, in the form and accompanied by the proof of payment as the department may prescribe, setting forth that the amount to be claimed as a credit under this chapter has been paid to an organization for an approved program or purpose, or permanently set aside in a special account to be used solely for an approved program or purpose. The department may disallow any credit claimed under this chapter for which the statement or proof of payment is not filed within the thirty (30) day period.

SECTION 15. IC 6-3-3.4-7, as added by Acts 1981, P.L. 86, SECTION 1, is amended to read as follows: Sec. 7. (a) To carry out the purposes of this chapter, the state corporation shall be formed under IC 23-1-1 through IC 23-1-12 (the Indiana General Corporation Act). The articles of incorporation of the state corporation shall comply with the provisions set forth in subsections (b) through (h). (i).

(b) The purpose of the state corporation shall be solely to raise funds which shall be used to make investments in qualified entities described in subsection (d) and to provide financing to Indiana business firms described in subsection (e) in a manner that will encourage capital investment in the state of Indiana, encourage the establishment or expansion of business and industry in the state, provide additional jobs within the state, and encourage research and development activities.

(c) The directors need not be shareholders in the state corporation, and there shall be not less than three (3) nor more than seven (7) directors, three (3) of whom shall be persons who have been nominated to be directors by the lieutenant governor.

(d) The state corporation may purchase new stock in a corporation organized under IC 23-1-1 through IC 23-1-12 (the Indiana General Corporation Act) or may purchase a new partnership interest in a limited partnership that has its principal office located in Indiana if the corporation or partnership:

- (1) has received a license or a statement of intent to license as a small business investment company from the Small Business Administration of the United States under the Small Business Investment Act of 1958, as amended; and
- (2) is organized and operated solely for the purpose of performing the functions and conducting the activities contemplated by the Small Business Investment Act of 1958, as amended.

(e) The state corporation may provide financing to entities doing business primarily in Indiana, including but not limited to **minority businesses**, corporations and partnerships, to be used solely for the purpose of enhancing the production capacity of the entity or the ability of the entity to do business in Indiana. The financing may include any combination of equity investments, loans, guarantees, and commitments for financing, and the amount of financing is unlimited.

(f) The state corporation may borrow from the "industrial development fund", as created by IC 4-4-8-2.

(g) No business shall be transacted or indebtedness incurred, except such as shall be incidental to the state corporation's organization or to obtaining subscriptions to or payment for its shares, until consideration for such shares equal to at least two million dollars (\$2,000,000) shall have been paid in, which amount paid in shall be the initial stated capital of the state corporation.

(g)(h) Not less than five percent (5%) of the net income of the state corporation for federal income tax purposes shall be contributed to state universities to be used by the universities for research for the purpose of developing business and industry in the state of Indiana. The allocation of funds among the universities shall be directed by the commission for higher education, which shall determine the universities and the amounts in its discretion.

(h)(i) The name of the state corporation shall be "Corporation for Innovation Development".

SECTION 16. IC 6-3-3.9 is added to the Indiana Code as a NEW chapter to read as follows:

Chapter 3.9. Enterprise Zone Loan Interest Credit.

Sec. 1. For purposes of this chapter:

"Enterprise zone" means an enterprise zone created under IC 4-4-6.1.

"Qualified loan" means a loan made to an entity that uses the loan proceeds for:

- (1) a purpose that is directly related to a business located in an enterprise zone; or
- (2) an improvement that increases the assessed value of real property located in an enterprise zone.

"State tax liability" means a taxpayer's total tax liability that is incurred under:

- IC 6-2.1 (the gross income tax);
- IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);
- IC 6-3-8 (the supplemental net income tax);
- IC 6-5-10 (the bank tax);
- IC 6-5.1 (the intangibles tax);
- IC 6-5-11 (the savings and loan association tax); and
- IC 27-1-18-2 (the insurance premiums tax);

as computed after the application of the credits, except the credits provided by this chapter and IC 6-3-3-1, that the taxpayer uses to reduce that liability.

"Taxpayer" means any person, corporation, partnership, or other entity that has any state tax liability.

Sec. 2. (a) A taxpayer is entitled to a credit against his state tax liability for a taxable year if he receives interest on a qualified loan in that taxable year.

(b) The amount of the credit to which a taxpayer is entitled under this section is five percent (5%) multiplied by the amount of interest received by the taxpayer during the taxable year on qualified loans.

Sec. 3. (a) If the amount determined under section 2(b) of this chapter for a particular taxpayer and a particular taxable

year exceeds the taxpayer's state tax liability for that taxable year, then the taxpayer may carry the excess over to the immediately succeeding taxable years. Except as provided in subsection (b), the credit carryover may not be used for any taxable year that begins more than ten (10) years after the date on which the qualified loan from which the credit results is made. The amount of the credit carryover from a taxable year shall be reduced to the extent that the carryover is used by the taxpayer to obtain a credit under this chapter for any subsequent taxable year.

(b) Notwithstanding subsection (a), if a loan is a qualified loan as the result of the use of the loan proceeds in a particular enterprise zone, and if the phase-out period of that enterprise zone terminates in a taxable year that succeeds the last taxable year in which a taxpayer is entitled to use credit carryover that results from that loan under subsection (a), then the taxpayer may use the credit carryover for any taxable year up to and including the taxable year in which the phase-out period of the enterprise zone terminates.

Sec. 4. (a) A credit to which a taxpayer is entitled under this chapter shall be applied against taxes owed by the taxpayer in the following order:

- (1) First, against the taxpayer's gross income tax liability (IC 6-2.1) for the taxable year.
- (2) Second, against the taxpayer's adjusted gross income tax liability (IC 6-3-1 through IC 6-3-7) for the taxable year.
- (3) Third, against the taxpayer's supplemental net income tax liability (IC 6-3-8) for the taxable year.
- (4) Fourth, against the taxpayer's intangibles tax liability (IC 6-5.1) for the taxable year.
- (5) Fifth, against the taxpayer's bank tax liability (IC 6-5-10) or savings and loan association tax liability (IC 6-5-11) for the taxable year.
- (6) Sixth, against the taxpayer's insurance premiums tax liability (IC 27-1-18-2) for the taxable year.

(b) Whenever the tax paid by the taxpayer under any of the tax provisions listed in subsection (a) is a credit against the liability or a deduction in determining the tax base under another Indiana tax provision, the credit or deduction shall be computed without regard to the credit to which a taxpayer is entitled under this chapter.

Sec. 5. To receive the credit provided by this chapter, a taxpayer must claim the credit on his annual state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department all information that

the department determines is necessary for the calculation of the credit provided by this chapter and for the determination whether a loan is a qualified loan.

Sec. 6. (a) If the department determines that the proceeds from a loan are used for a purpose other than the purpose stated at the time a credit was claimed under this chapter for interest on that loan, and if that stated purpose caused the department to designate the loan as a qualified loan, then the department shall disallow the credit allowed under this chapter for interest on that loan.

(b) A taxpayer shall pay to the department the amount of any credit disallowed under this section.

SECTION 17. IC 36-7-14-39, as amended by Acts 1981, P.L. 180, SECTION 12, is amended to read as follows: Sec. 39. (a) As used in this section, "allocation area" means that part of a blighted area to which an allocation provision of a declaratory resolution, adopted under section 15 of this chapter, refers for purposes of distribution and allocation of real property taxes.

(b) A declaratory resolution adopted under section 15 of this chapter may include a provision with respect to the allocation and distribution of real property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution in accordance with the procedures required for its original adoption. The allocation provision may apply to all or part of the blighted area. The allocation provision must require that any real property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable real property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, real property tax proceeds in excess of those described in subdivision (1) shall be allocated to the redevelopment

district and, when collected, paid into a special fund that may be used by the redevelopment district only to:

- (A) pay the principal of and interest on any obligations payable from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of the allocation area; or
- (B) reimburse the unit for expenditures made by it for public improvements in the allocation area, or for rentals paid by it for a building or parking facility in the allocation area under any lease entered into under IC 36-1-10.

(3) Except as provided in subsection (g), when the monies in the allocation fund are sufficient to pay when due all principal and interest, monies in the allocation fund in excess of that amount shall be paid to the respective taxing units in the manner prescribed by subdivision (1).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of real taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the assessed value of the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution.

(d) Real property tax proceeds allocable to the redevelopment district under subdivision subsection (b)(2) may, subject to subdivision subsection (b)(3), be irrevocably pledged by the redevelopment district for payment as set forth in subdivision subsection (b)(2).

(e) Notwithstanding any other law, each assessor shall, upon petition of the redevelopment commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable real property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision.

The state board of accounts and state board of commissioners shall make the rules and prescribe the for and procedures that they consider expedient for :. implementation of this section and chapter.

(g) If any part of the allocation area is located in an enterprise zone created under IC 4-4-6.1, the unit that designated the allocation area shall create a special fund. The unit shall, until the end of the enterprise zone phase-out period, deposit the excess amount referred to in subsection (b)(3) in the special fund. The unit that creates the fund shall use the fund based on the recommendations of the urban enterprise association for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone. Those programs shall limit one-half (1/2) of their enrollment in any session to residents of the enterprise zone.

SECTION 18. (a) This act, except for SECTION 8 of this act, takes effect July 1, 1983.

(b) SECTION 8 of this act takes effect January 1, 1984, and first applies to property taxes payable after December 31, 1983.

President of Senate

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

security division will certify this fact annually by letter to each advanced individual training company which is approved as prescribed in section 4(2) of this chapter. The letters will cite numbers of trainees referred as well as cite the existence of an approved training program proposal. A copy of this letter will accompany the state tax return of the advanced individual training company as proof of an allowable deduction. Additional proof concerning the status of an advanced individual training program may be required of such a company by the department of revenue. *(Formerly: Acts 1967, c.346, s.8). As amended by Acts 1977, P.L.258, SEC.4.*

ARTICLE 2. WAGES, HOURS, AND BENEFITS

- Ch. 1. Repealed.
- Ch. 2. Minimum Wage.
- Ch. 3. Repealed.
- Ch. 4. Regulation of Wage Payments.
- Ch. 5. Frequency of Wage Payments.
- Ch. 6. Wage Deductions.
- Ch. 7. Assignment of Wages.
- Ch. 8. Deduction from Wage Payments.
- Ch. 9. Wage Claims.
- Ch. 10. Employees As Preferred Creditors.
- Ch. 11. Payroll Bond for Benefit of Employees.
- Ch. 12. Employee Benefit Plans.

Chapter 1. Legal Workday.

(History: Repealed by Acts 1982, P.L.133, SEC.1).

Chapter 2. Minimum Wage.

- 22-2-2-1 Citation of act
- 22-2-2-2 Public policy
- 22-2-2-3 Definitions; exemptions
- 22-2-2-4 Rates; discrimination
- 22-2-2-5 Rates; reduction in rates
- 22-2-2-6 Wage adjustment board
- 22-2-2-7 Rules and regulations; hearings; subpoenas; production of books and papers; contempt; appeal and review
- 22-2-2-8 Statement of hours and wages; furnishing employees; posting law
- 22-2-2-9 Actions and proceedings; damages; limitation of actions; defenses

- 22-2-2-10 Other statutes; application of law
- 22-2-2-11 Violations
- 22-2-2-12 Discharging persons within 10 weeks; offense
- 22-2-2-13 Collective bargaining agreements; applicability

22-2-2-1 Citation of act

Sec. 1. This act shall be known and may be cited as the Minimum Wage Law of 1965. *(Formerly: Acts 1965, c.134, s.1).*

22-2-2-2 Public policy

Sec. 2. There are persons employed in some occupations in the state of Indiana at wages insufficient to provide adequate maintenance for themselves and their families. Such employment impairs the health, efficiency and well being of the persons so employed and their families, constitutes unfair competition against other employees and their employers, threatens the stability of industry, and requires, in many cases, that income be supplemented by the payment of public moneys for relief or the provision of other public or private assistance. Employment of persons at such insufficient rates of pay threatens the health and well being of the people of the state of Indiana and injures the economy of the state.

Accordingly, it is hereby declared the policy of the state of Indiana that such conditions be eliminated as rapidly as practicable without substantially curtailing opportunities for employment. To this end, the Minimum Wage Law of 1965 is enacted. *(Formerly: Acts 1965, c.134, s.2).*

22-2-2-3 Definitions; exemptions

Sec. 3. As used in this chapter:

"Commissioner" means the commissioner of labor or his authorized representative.

"Department" means the Indiana division of labor.

"Board" means the wage adjustment board created by this chapter.

"Occupation" means an industry, trade, business or class of work in which employees are gainfully employed.

"Employer" means any individual, partnership, association, corporation, business trust, the state of Indiana or other governmental agency or political subdivision during any work week in which they have four (4) or more employees. However, it shall not include any employer who is subject to the minimum wage provisions of the Federal Fair Labor Standards Act of 1938 as amended to date.

"Employee" means any person employed or permitted to work or perform any service for remuneration or under any contract of hire, written or oral, express or implied by an employer in any occupation, but shall not include any of the following:

(a) Any person less than seventeen (17) years of age.

(b) Any person engaged in an independently established trade, occupation, profession or business who, in performing the services in question, is free from control or direction both under his contract of service and in fact.

(c) Persons performing services not in the course of the employing unit's trade or business.

(d) Persons employed on a commission basis.

(e) Persons employed by his, or her own parent, spouse or child.

(f) Members of any religious order performing any service for such order, any duly ordained, commissioned or licensed minister, priest, rabbi, sexton, or Christian Science reader, and volunteers performing services for any religious or charitable organization.

(g) Persons performing services as student nurses in the employ of a hospital or nurses training school while enrolled and regularly attending classes in a nurses training school chartered or approved pursuant to laws, or students performing services in the employ of persons licensed as both funeral directors and embalmers as a part of their requirements for apprenticeship to secure an embalmer's license or a funeral director's license from the state of Indiana, or during their attendance at any schools required by law for securing such embalmer's or funeral director's license.

(h) Persons who have completed a four year's course in a medical school approved by law when employed as interns or resident physicians by any duly accredited hospital.

(i) Students performing services for any school, college or university in which they are enrolled and are regularly attending classes.

(j) Physically or mentally handicapped persons performing services for nonprofit organizations organized primarily for the purpose of providing employment for such handicapped persons or for assisting in their therapy and rehabilitation.

(k) Persons employed as insurance agents, insurance solicitors and outside salesmen, if all their services are performed for remuneration solely by way of commission.

(l) Persons performing services for any camping, recreational or guidance facilities operated by a charitable, religious or educational not-for-profit organization.

(m) Persons engaged in agricultural labor. The term shall include only services performed (i) on a farm, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, bees, poultry and fur-bearing animals and wildlife; (ii) in the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement or maintenance of such farm and its tools and equipment if the major part of such service is performed on a farm, and (iii) in connection with the production or harvesting of maple sugar or maple syrup or any commodity defined as an agricultural commodity in section 15(g) of the Agricultural Marketing Act, as amended, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes, and (iv) in handling, planting, drying, packing, packaging, processing, freezing, grading, storing or deliver-

ing to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operation or, in the case of fruits and vegetables, as an incident to the preparation of such fruits and vegetables for market; Provided, however, That this shall not apply to services performed in connection with any agricultural or horticultural commodity after its delivery to a terminal market or processor for preparation or distribution for consumption.

As used in this paragraph the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animals, and truck farms, nurseries, orchards, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities.

(n) Those persons employed in executive, administrative or professional occupations who have the authority to employ or discharge, and who earn one hundred fifty dollars (\$150) or more a week, and outside salesmen.

(o) Any person not employed for more than 10 weeks in any four (4) consecutive three (3) month periods.

(p) Any employee with respect to whom the interstate commerce commission has power to establish qualifications and maximum hours of service pursuant to the provisions of section 204 of the federal Motor Carrier Act of 1935 or any employee subject to the public service commission of Indiana. (Formerly: Acts 1965, c.134, s.3; Acts 1967, c.153, s.1). As amended by Acts 1977, P.L.259, SEC.1.

22-2-2-4 Rates; discrimination

Sec. 4. Every employer employing four (4) or more employees during a work week shall: in any work week beginning on or after July 1, 1968, in which he is subject to the provisions of this chapter, pay each of his employees wages of not less than one dollar twenty five cents (\$1.25) per hour; in any work week beginning on or after July 1, 1977, in which he is subject to this chapter, pay each of his employees wages of not less than one dollar fifty cents (\$1.50) per hour;

in any work week beginning on or after January 1, 1978, in which he is subject to this chapter, pay each of his employees wages of not less than one dollar seventy-five cents (\$1.75) per hour; in any work week beginning on or after January 1, 1979, in which he is subject to this chapter, pay each of his employees wages of not less than two dollars (\$2.00) per hour; all of said amounts to be less an amount determined by the board acting pursuant to sections 5 and 7 of this chapter, but not exceeding fifty per cent (50%) of the prescribed rate, equal to any tips, gratuities, the reasonable value of board, lodging, apparel or other items and services regularly and customarily received by the employee or an amount reflecting the inability of the employee to meet normal production standards by reason of age or mental or physical handicap. No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which employees are employed, between employees on the basis of sex by paying to employees in such establishment a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system, (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than. An employer who is paying a wage rate differential in violation of this provision shall not, in order to comply with the provisions of this section, reduce the wage rate of any employee, and no labor organization, or its agents, representing employees of an employer having employees subject to any provisions of this section shall cause or attempt to cause such an employer to discriminate against an employee in violation of this section. (Formerly: Acts 1965, c.134, s.4; Acts 1967, c.153, s.2). As amended by Acts 1977, P.L.259, SEC.2.

22-2-2-5 Rates; reduction in rates

Sec. 5. Upon its own motion or upon the application of any interested party, the wage

adjustment board created by this act shall have the power, acting in conformity with the provisions of section 7 of this act, to determine the amount of any reduction of the minimum wage required to be paid by any employer or by any group of employers employing persons in the same occupation or to any particular employee, which amount shall be equal to:

(a) The amount of tips or gratuities regularly received by the employee or employees: Provided, however, That in the case of an employee who shows to the satisfaction of the board that the actual value of the tips or gratuities received by him is less than that determined by the board, the adjustment determined by the board shall be increased by such lesser amount;

(b) The reasonable value of board, lodging, apparel or other items and services customarily and regularly furnished to an employee for his benefit;

(c) An amount which reflects the inability of an employee to meet normal production standards by reason of age or of any physical or mental handicap; Provided, That in no case shall the reduction of the minimum wage allowed by the board exceed fifty per cent (50%) of the minimum wage prescribed by section 4 of this act. (Formerly: Acts 1965, c.134, s.5; Acts 1967, c.153, s.3).

22-2-2-6 Wage adjustment board

Sec. 6. There is hereby created the wage adjustment board. The board shall consist of six (6) members. Two (2) members shall be representatives of employees, two (2) members shall be representatives of employers, and two (2) members shall be representatives of the public. The members shall be appointed by the governor for terms of four (4) years and until their successors have been appointed and qualified, but shall serve at the will and pleasure of the governor. A member shall be eligible for reappointment. The governor shall fill any vacancy for the unexpired term.

The board shall have a seal of such design as it may determine.

The governor shall annually appoint one (1) public member to be the chairman of the board and one (1) other member to act as vice-chairman.

The commissioner of labor of the state of Indiana shall act as secretary of the board. He shall not be a member of the board but shall keep the books and records of the board, and perform such other duties as the board directs.

Four (4) members shall constitute a quorum, and the affirmative vote of four (4) members shall be necessary for the transaction of official business. A vacancy in membership of the board shall not impair the rights of a quorum to exercise all rights and perform all duties of the board.

The members of the board shall serve without compensation, but shall be reimbursed for their actual and necessary traveling and other expenses incurred in the performance of their duties. The members of the board shall not be required to devote full time to their duties but shall meet at least four (4) times annually in regular session and shall devote such additional time as is necessary to perform the duties and functions placed upon them by this act. All meetings of the board shall be upon call of the chairman. (Formerly: Acts 1965, c.134, s.6).

22-2-2-7 Rules and regulations; hearings; subpoenas; production of books and papers; contempt; appeal and review

Sec. 7. The board shall have the following powers, duties and responsibilities:

(a) To determine the amount of adjustments of the minimum wage prescribed by this chapter and to reconsider and redetermine such adjustments from time to time to the extent and upon the grounds specified in section 5 of this chapter. The Board may provide such adjustments for an entire industry or occupational group or any subdivision thereof wherein the relevant conditions are the same or substantially the same for all employees by exercise of its power to make regulations as specified in subsection (b) of this section, subject, however, to the right

of any employee or employer affected to request that a hearing be held pursuant to subsection (c) of this section to determine the applicable facts and to fix a particular minimum rate or rates applicable to such employer and employees.

(b) To adopt, promulgate, amend and rescind such rules and regulations not inconsistent with the provisions of this chapter as it may deem necessary, acting in accordance with the provisions of IC 4-22-2.

(c) To hold hearings for the purpose of establishing reductions in the minimum rates of pay pursuant to section 5 of this chapter, and, in connection therewith, to subpoena witnesses, compel their attendance, administer oaths, take testimony under oath and require the production for examination of any books, papers and records relating to any matter pertinent to such hearing. Refusal to obey a subpoena issued pursuant to this section shall constitute a contempt punishable upon the application of the board by the circuit or superior court, or judge thereof, in the county in which the hearing is held or in which the witness resides or transacts business. Such hearings, and the judicial review thereof, shall be governed by the provisions of IC 4-22-1.

(d) To consider and study the entire field of legislation and administration concerning minimum wages. (Formerly: Acts 1965, c.134, s.7). As amended by Acts 1979, P.L.17, SEC.32.

22-2-2-8 Statement of hours and wages; furnishing employees; posting law

Sec. 8. Every employer subject to the provisions of this act, or of any regulation or order issued thereunder, shall furnish to each employee a statement of the hours worked by the employee and the wages paid to him listing deductions made each pay period; and the employer shall furnish the commissioner upon demand a sworn statement of the same. Such records shall be open to inspection by the commissioner, his deputy or any authorized agent of the department at any reasonable time. Every employer subject to the provisions of this act, or of any regulation or order issued under its provisions, shall keep a copy of them posted

in a conspicuous place in the area where employees are employed. The commissioner shall furnish copies of this act and the regulations and orders to employers without charge. (Formerly: Acts 1965, c.134, s.8).

22-2-2-9 Actions and proceedings; damages; limitation of actions; defenses

Sec. 9. Any employer who violates the provisions of section 4 of this act shall be liable to the employee or employees affected in the amount of their unpaid minimum wages and in an equal additional amount as liquidated damages. Action to recover such liability may be maintained within three (3) years after the cause of action therefor arises in the circuit or superior court of the county in which the services out of which the claim arises were performed or in which the defendant resides or transacts business. Such action may be brought by any one or more employees for and on behalf of himself or themselves and all other employees of the same employer who are similarly situated. No employee shall be a party plaintiff to any such action unless he gives his consent in writing to become such a party and such consent is filed in the court in which such action is brought. The court in such action shall, in addition to any judgment awarded to the plaintiffs, allow recovery of a reasonable attorney's fee and costs of the action. No contract or agreement between the employee and the employer nor any acceptance of a lesser wage by the employee shall be a defense to the action. (Formerly: Acts 1965, c.134, s.9).

22-2-2-10 Other statutes; application of law

Sec. 10. Nothing in this act shall be deemed to authorize or permit the payment to any employee of a lower rate of pay than may be prescribed by any other applicable law. (Formerly: Acts 1965, c.134, s.10).

22-2-2-11 Violations

Sec. 11. An employer or his agent who: (1) discharges or otherwise discriminates in regard to tenure or condition of employment against any employee because the employee has (i) participated in proceedings before the

board, (ii) instituted or participated in the institution of any action to recover wages under this chapter, or (iii) demanded the payment of wages under this chapter;

(2) pays or agrees to pay any employee less than the minimum wage prescribed by this chapter; or

(3) fails to keep records required by section 8 of this chapter.

commits a Class C infraction. (Formerly: Acts 1965, c.134, s.11). As amended by Acts 1978, P.L.2, SEC.2202.

22-2-2-12 Discharging persons within 10 weeks; offense

Sec. 12. An employer who consistently discharges persons within ten (10) weeks of their employment and replaces the discharged person without work stoppage commits a Class A infraction. (Formerly: Acts 1965, c.134, s.14; Acts 1967, c.153, s.4). As amended by Acts 1977, P.L.259, SEC.3; Acts 1978, P.L.2, SEC.2203.

22-2-2-13 Collective bargaining agreements; applicability

Sec. 13. The equal pay provisions of section 4 of this Act shall not apply to employees covered by a bona fide collective bargaining agreement in effect at least 30 days prior to the effective date of this Act until the termination of such collective bargaining agreement or July 1, 1968 whichever shall occur first. (Formerly: Acts 1965, c.134, s.15; Acts 1967, c.153, s.5).

Chapter 3. Wages Payable in Money.

(History: Repealed by Acts 1978, P.L.2, SEC.2251).

Chapter 4. Regulation of Wage Payments.

22-2-4-1 Payment; void contracts; exceptions

22-2-4-2 Scrip; offense

22-2-4-3 Merchandise or supplies; sale to employees at higher price

22-2-4-4 Failure to pay; fines and penalties; damages

22-2-4-5 Repealed.

22-2-4-6 Liens for work; application of law

22-2-4-1 Payment; void contracts; exceptions

Sec. 1. Every corporation, association, company, firm or person engaged in this state in mining coal, ore or other mineral, or quarrying stone or in manufacturing iron, steel, lumber, staves, heading barrels, brick, tile, machinery, agricultural or mechanical implements, or any article of merchandise, shall pay each employee of such corporation, company, association, firm or person, if demanded, at least every two (2) weeks, the amount due such employee for labor, and such payments shall be in lawful money of the United States, or by negotiable check, draft or money order, and any contract to the contrary shall be void: Provided, That this provision shall not apply where employees and employers by mutual agreement and/or contract have provided for payments on a weekly basis. (Formerly: Acts 1911, c.68, s.1; Acts 1971, P.L.349, SEC.1).

22-2-4-2 Scrip; offense

Sec. 2. A person who publishes, issues, or circulates any check, card, or other paper, which is not commercial paper payable at a fixed time in any bank in this state, at its full face value, in lawful money of the United States, with eight percent (8%) interest, or by bank check or currency issued by authority of the United States government, to his employee in payment for any work done or for any labor contracted to be done commits a Class C infraction. (Formerly: Acts 1911, c.68, s.2). As amended by Acts 1978, P.L.2, SEC.2204.

22-2-4-3 Merchandise or supplies; sale to employees at higher price

Sec. 3. It is a Class C infraction for a person to knowingly sell to his employee any merchandise or supplies at a higher price than the merchandise or supplies are sold to others for cash. (Formerly: Acts 1911, c.68, s.3). As amended by Acts 1978, P.L.2, SEC.2205.

22-2-4-4 Failure to pay; fines and penalties; damages

Sec. 4. Every corporation, company, association, firm or person who shall fail for ten (10)

Chapter 1. Right to Organize.

- 22-7-1-1 Definitions
 22-7-1-2 Right to organize; selection of bargaining representatives
 22-7-1-3 Obstructing labor organization; misdemeanor

22-7-1-1 Definitions

Sec. 1. As used in this act the term "local union" shall mean any branch or chapter of a national labor organization, the jurisdiction of which is limited to a particular geographical area. (Formerly: Acts 1957, c.181, s.1).

22-7-1-2 Right to organize; selection of bargaining representatives

Sec. 2. No worker or group of workers who have a legal residence in the state of Indiana shall be denied the right to select his or their bargaining representative in this state, or be denied the right to organize into a local union or association to exist within and pursuant to the laws of the state of Indiana: Provided, That this act shall in no way be deemed to amend or repeal any of the provisions of the National Labor Relations Act. (Formerly: Acts 1957, c.181, s.2).

22-7-1-3 Obstructing labor organization; misdemeanor

Sec. 3. A person who prevents another person from forming or belonging to a labor organization commits a Class B misdemeanor. As added by Acts 1977, P.L.26, SEC.10.

Chapter 2. Labor Organization Constitutions and By-Laws.

22-7-2-1 Contracts; rights and privileges; enforcement

22-7-2-1 Contracts; rights and privileges; enforcement

Sec. 1. Duly adopted constitutions, by-laws, and other laws of labor organizations, except when and to the extent that the provisions thereof may violate public policy, are hereby declared to be valid and enforceable contracts as between the members and officers of such labor organizations; and said contracts, and all rights and privileges extended thereby and therein contained, are hereby declared to be enforceable

in the courts of this state, by actions at law or in equity, brought by any individual member or members of such labor organization. Provided, however, That such member or members of such labor organization shall exhaust all rights, privileges and remedies provided by the constitution, by-laws, or other laws of said labor organization, before bringing any such action at law or in equity. (Formerly: Acts 1957, c.338, s.1).

ARTICLE 8. OCCUPATIONAL HEALTH AND SAFETY

Ch. 1. Repealed.

Ch. 1.1. Indiana Occupational Safety and Health Act (IOSHA).

Ch. 2. Repealed.

Chapter 1. Gas Masks.

(History: Repealed by Acts 1971, P.L.356, SEC.2).

Chapter 1.1. Indiana Occupational Safety and Health Act (IOSHA).

- 22-8-1.1-1 Definitions
 22-8-1.1-2 Employers; duties
 22-8-1.1-3 Repealed.
 22-8-1.1-3.1 Compliance with standards by employer; informing employees
 22-8-1.1-4 Safety devices or safeguards; removing or damaging; interference; compliance by employees with standards
 22-8-1.1-5 Safety processes; interference with use; obedience to orders
 22-8-1.1-6 Repealed.
 22-8-1.1-6.5 Religious objections to treatment
 22-8-1.1-7 Occupational safety standards commission
 22-8-1.1-8 Commission; membership
 22-8-1.1-9 Commission; terms
 22-8-1.1-10 Commission; organization
 22-8-1.1-11 Commission; quorum
 22-8-1.1-12 Commission; per diem, mileage
 22-8-1.1-13 Commission; meetings
 22-8-1.1-13.1 Adoption of federal standards
 22-8-1.1-14 Repealed.
 22-8-1.1-15 Standards; incorporation by reference
 22-8-1.1-15.1 Other standards
 22-8-1.1-16 Repealed.
 22-8-1.1-16.1 Emergency temporary standards
 22-8-1.1-17 Repealed.
 22-8-1.1-17.1 Criteria for standards
 22-8-1.1-18 Repealed.
 22-8-1.1-19 Standards; declaratory judgment
 22-8-1.1-19.1 Temporary variances

TITLE OF ORDINANCE Application to be designated an
Urban Enterprise Zone

B-83-08-52

DEPARTMENT REQUESTING RESOLUTION
ORDINANCE Community Development and Planning

SYNOPSIS OF RESOLUTION
ORDINANCE Resolution authorizes Community Development and
Planning to submit an application to the Indiana Department of Commerce to
be designated an Urban Enterprise Zone.

EFFECT OF PASSAGE Authorizes Community Development and Planning to continue
with application process.

EFFECT OF NON-PASSAGE Prohibits Community Development and Planning from
further development of the application.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.)